

U.S. Patent Application Serial No. 09/778,562
Applicant: Cohen, et al.

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REMARKS

The undersigned attorney thanks Examiner Sax for his careful review of this patent application and for his gracious participation in multiple telephone conferences and a personal
10 Examiner interview. Reconsideration of the present application is respectfully requested in view of the following remarks. Claims 1-41, 44, 46-48, 53 and 54 are currently pending in this Application with claims 1, 8, and 44 being amended by this *Response and Amendment to Final Office Action*. Prior to entry of this *Response and Amendment to Final Office Action*, claims 1-3, 5-11, 24-29, 44, 46-48, 53 and 54 were rejected and claims 4, 12-23, and 30-41 were allowed.

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Examiner Interview

Applicants wish to express their gratitude to Examiner Sax for his time and participation in the Examiner Interview on October 20, 2005 and for the follow up telephone calls between he and the undersigned attorney. During the interview, Examiner Sax and the undersigned attorney
20 discussed the pending claims and the cited references. Additionally, Examiner Sax and the undersigned attorney discussed the claim amendments currently submitted for consideration. Examiner Sax and the undersigned attorney originally reached a tentative agreement regarding patentability of the claims, pending approval by the Applicants. The present *Response and Amendment to Final Office Action* includes claims that are significantly similar to the agreed to
25 claims, and the differences will be discussed herein.

Allowance of Claims 4, 12-23, and 30-41

The Applicants gratefully acknowledge the Examiner's allowability of claims 4, 12-23, and 30-41.

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Claim Rejections

Claims 1-3, 5-11, 24-29, 44, 46-48, 53 and 54 were initially rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy (U.S. Patent No. 6,615,247), Matsumoto et al. (U.S. Patent No. 6,763,334), and van Duyne et al. (U.S. Patent No. 6,859,784).

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5 Applicant respectfully submits that independent claims 1 and 44, as amended, overcome the present rejection. In the Examiner Interview of October 20, 2005 and the subsequent telephone conferences, Examiner Sax agreed to the allowability of a claim that was significantly similar to the presently presented claims. The difference between the agreed claims and the present claims is the element of "*identifying within monitored user interactions* a plurality of
10 sequential user accesses navigating between the plurality of objects of interest and determining user navigational objectives." In the Interview, Examiner Sax agreed to the patentability of this element worded as "*monitoring user interaction to record* a plurality of sequential user accesses navigating between the plurality of objects of interest and determining user navigational objectives."

15 Applicants respectfully submit that the difference between the agreed language and the presented language is the use of the phrase "*identifying within monitored user interactions*" in place of the phrase "*monitoring user interaction to record*". Applicants respectfully submit that the substituted phrase is supported by the specification and overcomes the prior art. Notably, the new language still requires identifying sequential user access from monitored data. A distinction
20 between the two phrases is that the claim, as amended, does not require the invention to actually perform the monitoring of the user interactions. Thus, the present invention covers a scenario where the monitoring is performed by a separate monitoring device or routine, such as a web logging program.

The Applicants respectfully submit that the cited art does not teach the step of
25 "*identifying within monitored user interactions* a plurality of sequential user accesses navigating between the plurality of objects of interest and determining user navigational objectives" as required in the amended claims. Additionally, the prior art does not teach the step of "*maintaining data representative of said objects of interest, structural relationships including links between objects, sequential user navigational accesses, and determined user navigational*
30 objectives" as required by the claims, as amended.

Accordingly, claims 1 and 44 have been amended to more particularly describe these features of the present invention. Applicants respectfully submit that amended claims 1 and 44 are patentably distinguishable over the cited art and Applicants respectfully request passing of the case to issuance in due course of Patent Office business. Dependent claim 8 has been amended

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- 5 to reflect the language of amended claim 1. Also, Applicants respectfully submit that dependent claims 2-3, 5-11, 24-29, 46-48, 53 and 54 are allowable for the reasons stated above and also for the various additional limitations contained therein, which further distinguish the prior art. Therefore, Applicants respectfully submit that the rejections should be withdrawn and Claims 1-3, 5-11, 24-29, 44, 46-48, 53 and 54 are in condition for allowance.

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FEES

This *Response and Amendment* is being filed within six months of the *Office Action*, and more specifically within three months, thus no extension fees are believed due.

Through the present *Response and Amendment* two independent claims and one dependent claim have been amended, but no additional claims have been added. Thus, no claim fees are believed due.

Nonetheless, should any further fees be due, authorization to charge deposit account No. 20-1507 is hereby expressly given.

CONCLUSION

The foregoing is submitted as a full and complete response to the *Official Action* mailed September 12, 2005. It is respectfully submitted that claims 1-3, 5-11, 24-29, 44, 46-48, 53 and 54 are in condition for allowance and that each point raised in the *Office Action* with regard to these claims has been fully addressed. Therefore, it is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office Business.

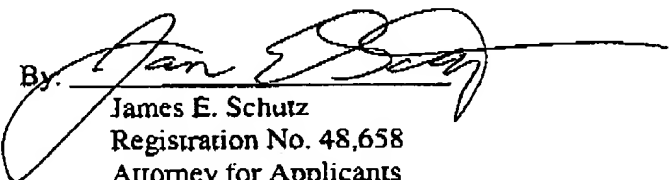
If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact James Schutz at 404.885.3498.

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Respectfully submitted,

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